

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 527 Session of 2009

INTRODUCED BY DeLUCA, BARRAR, BELFANTI, BRENNAN, CALTAGIRONE, COHEN, CONKLIN, DALEY, DONATUCCI, EACHUS, FLECK, FRANKEL, GEORGE, GIBBONS, GOODMAN, GROVE, HARHAI, HARKINS, JOSEPHS, KIRKLAND, MANDERINO, MANN, McGEEHAN, MELIO, METCALFE, MUNDY, MURPHY, M. O'BRIEN, READSHAW, SIPTROTH, K. SMITH, SOLOBAY, VULAKOVICH, WALKO AND WHITE, FEBRUARY 19, 2009

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 19, 2009

AN ACT

1 Amending the act of July 22, 1974 (P.L.589, No.205), entitled
2 "An act relating to unfair insurance practices; prohibiting
3 unfair methods of competition and unfair or deceptive acts
4 and practices; and prescribing remedies and penalties,"
5 further providing for unfair methods of competition and
6 unfair or deceptive acts or practices.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 5(a)(7) of the act of July 22, 1974 (P.L.
10 589, No.205), known as the Unfair Insurance Practices Act, is
11 amended to read:

12 Section 5. Unfair Methods of Competition and Unfair or
13 Deceptive Acts or Practices Defined.--(a) "Unfair methods of
14 competition" and "unfair or deceptive acts or practices" in the
15 business of insurance means:

16 * * *

17 (7) Unfairly discriminating by means of:

18 (i) making or permitting any unfair discrimination between

1 individuals of the same class and equal expectation of life in
2 the rates charged for any contract of life insurance or of life
3 annuity or in the dividends or other benefits payable thereon,
4 or in any other of the terms and conditions of such contract; or

5 (ii) making or permitting any unfair discrimination between
6 individuals of the same class and of essentially the same hazard
7 in the amount of premium, policy, fees or rates charged for any
8 policy or contract of insurance or in the benefits payable
9 thereunder, or in any of the terms or conditions of such
10 contract, or in any other manner whatever; or

11 (iii) making or permitting any unfair discrimination between
12 individuals of the same class and essentially the same hazard
13 with regard to underwriting standards and practices or
14 eligibility requirements by reason of race, religion,
15 nationality or ethnic group, age, sex, family size, occupation,
16 level of education, place of residence or marital status. The
17 terms "underwriting standards and practices" or "eligibility
18 rules" do not include the promulgation of rates if made or
19 promulgated in accordance with the appropriate Rate Regulatory
20 Act of this Commonwealth and regulations promulgated by the
21 commissioner pursuant to such act.

22 * * *

23 Section 2. This act shall take effect in 60 days.